IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1133 of 2003

For Approval and Signature:

Hon'ble MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

FULSINGH DHANSINGH MAKWANA

Versus

DIST. EDUCATION OFFICER

Appearance:

1. Special Civil Application No. 1133 of 2003

MR MUKESH R SHAH for Petitioner No. 1

MR DABHI, Ld. AGP for Respondent No. 1

CORAM : MR.JUSTICE JAYANT PATEL

Date of decision: 13/02/2003

ORAL JUDGEMENT

1. Rule. Mr.Dabhi, learned AGP waives service of notice of rule. With the consent of the parties the

matter is taken up for final hearing.

2. Having heard Mr.M.R.Shah, learned Counsel appearing for the petitioner and Mr.Dabhi, learned AGP appearing for the District Education Officer, I am of the view that the present case is covered by the decision of this Court in SCA No.381/2003 and allied matters dated 20-1-2003 and, therefore, no elaborate discussion is required. The directions as given in the said decision shall also be made applicable in the present case in as much as the impugned order dated 20-1-2003 shall stand quashed and set aside on the ground of breach of principles of natural justice and the D.E.O. shall issue show-cause notice to the petitioner and give opportunity of hearing to the petitioner and shall take decision in accordance with law as per the directions given in the aforesaid decision. The copy of the order passed in SCA No.381/2003 and allied matters shall also be taken on record for the purpose of giving opportunity of hearing and for the purpose of deciding the matter. Office shall send the copy of the order dated 20-1-2003 passed in SCA No.381/2003 and allied matters to the respondent for appropriate implementation of this order. Rule is made absolute accordingly. No costs.

13-2-2003 (Jayant Patel, J.)

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